



Sen. John J. Cullerton

Filed: 7/8/2013

09800HB0011sam002

LRB098 00182 JWD 47166 a

1 AMENDMENT TO HOUSE BILL 11

2 AMENDMENT NO. _____. Amend House Bill 11 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. If and only if House Bill 183 of the 98th
5 General Assembly becomes law, then the Firearm Concealed Carry
6 Act is amended by changing Sections 5, 10, 20, and 65 as
7 follows:

8 (09800HB0183enr, Sec. 5)

9 Sec. 5. Definitions. As used in this Act:

10 "Ammunition feeding device" means a detachable magazine
11 clip, belt, drum, feed strip, or similar device.

12 "Applicant" means a person who is applying for a license to
13 carry a concealed firearm under this Act.

14 "Board" means the Concealed Carry Licensing Review Board.

15 "Concealed firearm" means a loaded or unloaded handgun
16 carried on or about a person completely covered or not visible

1 from the view of the public, or carried in a vehicle concealed,
2 covered, or not visible from the view of the public ~~or mostly~~
3 ~~concealed from view of the public or on or about a person~~
4 ~~within a vehicle.~~

5 "Department" means the Department of State Police.

6 "Director" means the Director of State Police.

7 "Handgun" means any device which is designed to expel a
8 projectile or projectiles by the action of an explosion,
9 expansion of gas, or escape of gas that is designed to be held
10 and fired by the use of a single hand. "Handgun" does not
11 include:

12 (1) a stun gun or taser;

13 (2) a machine gun as defined in item (i) of paragraph
14 (7) of subsection (a) of Section 24-1 of the Criminal Code
15 of 2012;

16 (3) a short-barreled rifle or shotgun as defined in
17 item (ii) of paragraph (7) of subsection (a) of Section
18 24-1 of the Criminal Code of 2012; or

19 (4) any pneumatic gun, spring gun, paint ball gun, or
20 B-B gun which expels a single globular projectile not
21 exceeding .18 inch in diameter, or which has a maximum
22 muzzle velocity of less than 700 feet per second, or which
23 expels breakable paint balls containing washable marking
24 colors.

25 "Law enforcement agency" means any federal, State, or local
26 law enforcement agency, including offices of State's Attorneys

1 and the Office of the Attorney General.

2 "License" means a license issued by the Department of State
3 Police to carry a concealed handgun.

4 "Licensee" means a person issued a license to carry a
5 concealed handgun.

6 "Municipality" has the meaning ascribed to it in Section 1
7 of Article VII of the Illinois Constitution.

8 "Unit of local government" has the meaning ascribed to it
9 in Section 1 of Article VII of the Illinois Constitution.

10 (Source: 09800HB0183enr.)

11 (09800HB0183enr, Sec. 10)

12 Sec. 10. Issuance of licenses to carry a concealed firearm.

13 (a) The Department shall issue a license to carry a
14 concealed firearm under this Act to an applicant who:

15 (1) meets the qualifications of Section 25 of this Act;

16 (2) has provided the application and documentation
17 required in Section 30 of this Act;

18 (3) has submitted the requisite fees; and

19 (4) does not pose a danger to himself, herself, or
20 others, or a threat to public safety as determined by the
21 Concealed Carry Licensing Review Board in accordance with
22 Section 20.

23 (b) The Department shall issue a renewal, corrected, or
24 duplicate license as provided in this Act.

25 (c) A license shall be valid throughout the State for a

1 period of 5 years from the date of issuance. A license shall
2 permit the licensee to carry one loaded or unloaded concealed
3 firearm and, whether attached to or detached from the firearm,
4 one ammunition feeding device for that firearm with a capacity
5 of 10 rounds of ammunition or less on or about his or her
6 person. The licensee may not carry an ammunition feeding device
7 with a capacity of more than 10 rounds of ammunition or that
8 can be readily restored or concerted to accept more than 10
9 rounds of ammunition. †

10 ~~(1) carry a loaded or unloaded concealed firearm, fully~~
11 ~~concealed or partially concealed, on or about his or her~~
12 ~~person; and~~

13 ~~(2) keep or carry a loaded or unloaded concealed~~
14 ~~firearm on or about his or her person within a vehicle.~~

15 (d) The Department shall make applications for a license
16 available no later than 180 days after the effective date of
17 this Act. The Department shall establish rules for the
18 availability and submission of applications in accordance with
19 this Act.

20 (e) An application for a license submitted to the
21 Department that contains all the information and materials
22 required by this Act, including the requisite fee, shall be
23 deemed completed. Except as otherwise provided in this Act, no
24 later than 90 days after receipt of a completed application,
25 the Department shall issue or deny the applicant a license.

26 (f) The Department shall deny the applicant a license if

1 the applicant fails to meet the requirements under this Act or
2 the Department receives a determination from the Board that the
3 applicant is ineligible for a license. The Department must
4 notify the applicant stating the grounds for the denial. The
5 notice of denial must inform the applicant of his or her right
6 to an appeal through administrative and judicial review.

7 (g) A licensee shall possess a license at all times the
8 licensee carries a concealed firearm except:

9 (1) when the licensee is carrying or possessing a
10 concealed firearm on his or her land or in his or her
11 abode, legal dwelling, or fixed place of business, or on
12 the land or in the legal dwelling of another person as an
13 invitee with that person's permission;

14 (2) when the person is authorized to carry a firearm
15 under Section 24-2 of the Criminal Code of 2012, except
16 subsection (a-5) of that Section; or

17 (3) when the handgun is broken down in a
18 non-functioning state, is not immediately accessible, or
19 is unloaded and enclosed in a case.

20 (h) If an officer of a law enforcement agency initiates an
21 investigative stop, including but not limited to a traffic
22 stop, of a licensee who is carrying a concealed firearm, upon
23 the request of the officer the licensee shall immediately
24 disclose to the officer that he or she is in possession of a
25 concealed firearm under this Act, present the license upon the
26 request of the officer, and identify the location of the

1 concealed firearm.

2 (i) The Department shall maintain a database of license
3 applicants and licensees. The database shall be available to
4 all federal, State, and local law enforcement agencies, State's
5 Attorneys, the Attorney General, and authorized court
6 personnel. Within 180 days after the effective date of this
7 Act, the database shall be searchable and provide all
8 information included in the application, including the
9 applicant's previous addresses within the 10 years prior to the
10 license application and any information related to violations
11 of this Act. No law enforcement agency, State's Attorney,
12 Attorney General, or member or staff of the judiciary shall
13 provide any information to a requester who is not entitled to
14 it by law.

15 (j) No later than 10 days after receipt of a completed
16 application, the Department shall enter the relevant
17 information about the applicant into the database under
18 subsection (i) of this Section which is accessible by law
19 enforcement agencies.

20 (Source: 09800HB0183enr.)

21 (09800HB0183enr, Sec. 20)

22 Sec. 20. Concealed Carry Licensing Review Board.

23 (a) There is hereby created a Concealed Carry Licensing
24 Review Board to consider any objection to an applicant's
25 eligibility to obtain a license under this Act submitted by a

1 law enforcement agency or the Department under Section 15 of
2 this Act. The Board shall consist of 7 commissioners to be
3 appointed by the Governor, with the advice and consent of the
4 Senate, with 3 commissioners residing within the First Judicial
5 District and one commissioner residing within each of the 4
6 remaining Judicial Districts. No more than 4 commissioners
7 shall be members of the same political party. The Governor
8 shall designate one commissioner as the Chairperson. The Board
9 shall consist of:

10 (1) one commissioner with at least 5 years of service
11 as a federal judge;

12 (2) 2 commissioners with at least 5 years of experience
13 serving as an attorney with the United States Department of
14 Justice;

15 (3) 3 commissioners with at least 5 years of experience
16 as a federal agent or employee with investigative
17 experience or duties related to criminal justice under the
18 United States Department of Justice, Drug Enforcement
19 Administration, Department of Homeland Security, or
20 Federal Bureau of Investigation; and

21 (4) one member with at least 5 years of experience as a
22 licensed physician or clinical psychologist with expertise
23 in the diagnosis and treatment of mental illness.

24 (b) The initial terms of the commissioners shall end on
25 January 12, 2015. Thereafter, the commissioners shall hold
26 office for 4 years, with terms expiring on the second Monday in

1 January of the fourth year. Commissioners may be reappointed.
2 Vacancies in the office of commissioner shall be filled in the
3 same manner as the original appointment, for the remainder of
4 the unexpired term. The Governor may remove a commissioner for
5 incompetence, neglect of duty, malfeasance, or inability to
6 serve. Commissioners shall receive compensation in an amount
7 equal to the compensation of members of the Executive Ethics
8 Commission and may be reimbursed for reasonable expenses
9 actually incurred in the performance of their Board duties,
10 from funds appropriated for that purpose.

11 (c) The Board shall meet at the call of the chairperson as
12 often as necessary to consider objections to applications for a
13 license under this Act. If necessary to ensure the
14 participation of a commissioner, the Board shall allow a
15 commissioner to participate in a Board meeting by electronic
16 communication. Any commissioner participating electronically
17 shall be deemed present for purposes of establishing a quorum
18 and voting.

19 (d) The Board shall adopt rules for the conduct of
20 hearings. The Board shall maintain a record of its decisions
21 and all materials considered in making its decisions. All Board
22 decisions and voting records shall be kept confidential and all
23 materials considered by the Board shall be exempt from
24 inspection except upon order of a court.

25 (e) In considering an objection of a law enforcement agency
26 or the Department, the Board shall review the materials

1 received with the objection from the law enforcement agency or
2 the Department. By a vote of at least 4 commissioners, the
3 Board may request additional information from the law
4 enforcement agency, Department, or the applicant, or the
5 testimony of the law enforcement agency, Department, or the
6 applicant. The Board may only consider information submitted by
7 the Department, a law enforcement agency, or the applicant. The
8 Board shall review each objection and determine by a majority
9 of commissioners whether an applicant is eligible for a
10 license.

11 (f) The Board shall issue a decision within 30 days of
12 receipt of the objection from the Department. However, the
13 Board need not issue a decision within 30 days if:

14 (1) the Board requests information from the applicant
15 in accordance with subsection (e) of this Section, in which
16 case the Board shall make a decision within 30 days of
17 receipt of the required information from the applicant;

18 (2) the applicant agrees, in writing, to allow the
19 Board additional time to consider an objection; or

20 (3) the Board notifies the applicant and the Department
21 that the Board needs an additional 30 days to issue a
22 decision.

23 (g) If the Board determines by a preponderance of the
24 evidence that the applicant poses a danger to himself or
25 herself or others, or is a threat to public safety, then the
26 Board shall affirm the objection of the law enforcement agency

1 or the Department and shall notify the Department that the
2 applicant is ineligible for a license. If the Board does not
3 determine by a preponderance of the evidence that the applicant
4 poses a danger to himself or herself or others, or is a threat
5 to public safety, then the Board shall notify the Department
6 that the applicant is eligible for a license.

7 ~~(h) Meetings of the Board shall not be subject to the Open~~
8 ~~Meetings Act and records of the Board shall not be subject to~~
9 ~~the Freedom of Information Act.~~

10 (h) ~~(i)~~ The Board shall report monthly to the Governor and
11 the General Assembly on the number of objections received and
12 provide details of the circumstances in which the Board has
13 determined to deny licensure based on law enforcement or
14 Department objections under Section 15 of this Act. The report
15 shall not contain any identifying information about the
16 applicants.

17 (Source: 09800HB0183enr.)

18 (09800HB0183enr, Sec. 65)

19 Sec. 65. Prohibited areas.

20 (a) A licensee under this Act shall not knowingly carry a
21 firearm on or into:

22 (1) Any building, real property, and parking area under
23 the control of a public or private elementary or secondary
24 school.

25 (2) Any building, real property, and parking area under

1 the control of a pre-school or child care facility,
2 including any room or portion of a building under the
3 control of a pre-school or child care facility. Nothing in
4 this paragraph shall prevent the operator of a child care
5 facility in a family home from owning or possessing a
6 firearm in the home or license under this Act, if no child
7 under child care at the home is present in the home or the
8 firearm in the home is stored in a locked container when a
9 child under child care at the home is present in the home.

10 (3) Any building, parking area, or portion of a
11 building under the control of an officer of the executive
12 or legislative branch of government, provided that nothing
13 in this paragraph shall prohibit a licensee from carrying a
14 concealed firearm onto the real property, bikeway, or trail
15 in a park regulated by the Department of Natural Resources
16 or any other designated public hunting area or building
17 where firearm possession is permitted as established by the
18 Department of Natural Resources under Section 1.8 of the
19 Wildlife Code.

20 (4) Any building designated for matters before a
21 circuit court, appellate court, or the Supreme Court, or
22 any building or portion of a building under the control of
23 the Supreme Court.

24 (5) Any building or portion of a building under the
25 control of a unit of local government.

26 (6) Any building, real property, and parking area under

1 the control of an adult or juvenile detention or
2 correctional institution, prison, or jail.

3 (7) Any building, real property, and parking area under
4 the control of a public or private hospital or hospital
5 affiliate, mental health facility, or nursing home.

6 (8) Any bus, train, or form of transportation paid for
7 in whole or in part with public funds, and any building,
8 real property, and parking area under the control of a
9 public transportation facility paid for in whole or in part
10 with public funds.

11 (9) Any building, real property, and parking area under
12 the control of an establishment where alcohol may be
13 consumed, other than a private residence or a club as
14 defined in Section 1-3.24 of the Liquor Control Act of
15 1934. ~~Any building, real property, and parking area under~~
16 ~~the control of an establishment that serves alcohol on its~~
17 ~~premises, if more than 50% of the establishment's gross~~
18 ~~receipts within the prior 3 months is from the sale of~~
19 ~~alcohol. The owner of an establishment who knowingly fails~~
20 ~~to prohibit concealed firearms on its premises as provided~~
21 ~~in this paragraph or who knowingly makes a false statement~~
22 ~~or record to avoid the prohibition on concealed firearms~~
23 ~~under this paragraph is subject to the penalty under~~
24 ~~subsection (c-5) of Section 10-1 of the Liquor Control Act~~
25 ~~of 1934.~~

26 (10) Any public gathering or special event conducted on

1 property open to the public that requires the issuance of a
2 permit from the unit of local government, provided this
3 prohibition shall not apply to a licensee who must walk
4 through a public gathering in order to access his or her
5 residence, place of business, or vehicle.

6 (11) Any building or real property that has been issued
7 a Special Event Retailer's license as defined in Section
8 1-3.17.1 of the Liquor Control Act during the time
9 designated for the sale of alcohol by the Special Event
10 Retailer's license, or a Special use permit license as
11 defined in subsection (q) of Section 5-1 of the Liquor
12 Control Act during the time designated for the sale of
13 alcohol by the Special use permit license.

14 (12) Any public playground.

15 (13) Any public park, athletic area, or athletic
16 facility under the control of a municipality or park
17 district, provided nothing in this Section shall prohibit a
18 licensee from carrying a concealed firearm while on a trail
19 or bikeway if only a portion of the trail or bikeway
20 includes a public park.

21 (14) Any real property under the control of the Cook
22 County Forest Preserve District.

23 (15) Any building, classroom, laboratory, medical
24 clinic, hospital, artistic venue, athletic venue,
25 entertainment venue, officially recognized
26 university-related organization property, whether owned or

1 leased, and any real property, including parking areas,
2 sidewalks, and common areas under the control of a public
3 or private community college, college, or university.

4 (16) Any building, real property, or parking area under
5 the control of a gaming facility licensed under the
6 Riverboat Gambling Act or the Illinois Horse Racing Act of
7 1975, including an inter-track wagering location licensee.

8 (17) Any stadium, arena, or the real property or
9 parking area under the control of a stadium, arena, or any
10 collegiate or professional sporting event.

11 (18) Any building, real property, or parking area under
12 the control of a public library.

13 (19) Any building, real property, or parking area under
14 the control of an airport.

15 (20) Any building, real property, or parking area under
16 the control of an amusement park.

17 (21) Any building, real property, or parking area under
18 the control of a zoo or museum.

19 (22) Any street, driveway, parking area, property,
20 building, or facility, owned, leased, controlled, or used
21 by a nuclear energy, storage, weapons, or development site
22 or facility regulated by the federal Nuclear Regulatory
23 Commission. The licensee shall not under any circumstance
24 store a firearm or ammunition in his or her vehicle or in a
25 compartment or container within a vehicle located anywhere
26 in or on the street, driveway, parking area, property,

1 building, or facility described in this paragraph.

2 (23) Any area where firearms are prohibited under
3 federal law.

4 (a-5) Nothing in this Act shall prohibit a public or
5 private community college, college, or university from:

6 (1) prohibiting persons from carrying a firearm within
7 a vehicle owned, leased, or controlled by the college or
8 university;

9 (2) developing resolutions, regulations, or policies
10 regarding student, employee, or visitor misconduct and
11 discipline, including suspension and expulsion;

12 (3) developing resolutions, regulations, or policies
13 regarding the storage or maintenance of firearms, which
14 must include designated areas where persons can park
15 vehicles that carry firearms; and

16 (4) permitting the carrying or use of firearms for the
17 purpose of instruction and curriculum of officially
18 recognized programs, including but not limited to military
19 science and law enforcement training programs, or in any
20 designated area used for hunting purposes or target
21 shooting.

22 (a-10) A person shall not carry a concealed firearm onto
23 the private real property of another without prior permission
24 from the property owner. A property owner shall indicate
25 permission to carry concealed firearms by posting a sign at the
26 entrance of a building, premises, or real property, except this

1 posting is not required if the property is a private residence.
2 Signs stating that the carrying of firearms is allowed shall be
3 clearly and conspicuously posted at the entrance of a building,
4 premises, or real property. Signs shall be of a uniform design
5 as established by the Department and shall be at least 4 inches
6 by 6 inches in size. The Department shall adopt rules for
7 standardized signs to be used under this subsection. ~~The owner~~
8 ~~of private real property of any type may prohibit the carrying~~
9 ~~of concealed firearms on the property under his or her control.~~
10 ~~The owner must post a sign in accordance with subsection (d) of~~
11 ~~this Section indicating that firearms are prohibited on the~~
12 ~~property, unless the property is a private residence.~~

13 (a-15) An employer, or his or her designee, may prohibit an
14 employee from carrying a concealed firearm during any part of
15 the employee's employment. An employer, or his or her designee,
16 may prohibit an employee from bringing a firearm onto the
17 employer's property.

18 (b) Notwithstanding subsections (a), (a-5), and (a-10) of
19 this Section except under paragraph (22) or (23) of subsection
20 (a), any licensee prohibited from carrying a concealed firearm
21 into the parking area of a prohibited location specified in
22 subsection (a), (a-5), or (a-10) of this Section shall be
23 permitted to carry a concealed firearm on or about his or her
24 person within a vehicle into the parking area and may store a
25 firearm or ammunition concealed in a case within a locked
26 vehicle or locked container out of plain view within the

1 vehicle in the parking area. The firearm must remain within the
2 vehicle at all times while within the parking area. ~~A licensee~~
3 ~~may carry a concealed firearm in the immediate area surrounding~~
4 ~~his or her vehicle within a prohibited parking lot area only~~
5 ~~for the limited purpose of storing or retrieving a firearm~~
6 ~~within the vehicle's trunk, provided the licensee ensures the~~
7 ~~concealed firearm is unloaded prior to exiting the vehicle.~~ For
8 purposes of this subsection, "case" includes a glove
9 compartment or console that completely encloses the concealed
10 firearm or ammunition, the trunk of the vehicle, or a firearm
11 carrying box, shipping box, or other container.

12 (c) A licensee shall not be in violation of this Section
13 while he or she is traveling along a public right of way that
14 touches or crosses any of the premises under subsection (a),
15 (a-5), or (a-10) of this Section if the concealed firearm is
16 carried on his or her person in accordance with the provisions
17 of this Act or is being transported in a vehicle by the
18 licensee in accordance with all other applicable provisions of
19 law.

20 ~~(d) Signs stating that the carrying of firearms is~~
21 ~~prohibited shall be clearly and conspicuously posted at the~~
22 ~~entrance of a building, premises, or real property specified in~~
23 ~~this Section as a prohibited area, unless the building or~~
24 ~~premises is a private residence. Signs shall be of a uniform~~
25 ~~design as established by the Department and shall be 4 inches~~
26 ~~by 6 inches in size. The Department shall adopt rules for~~

1 ~~standardized signs to be used under this subsection.~~

2 (Source: 09800HB0183enr.)

3 Section 10. If and only if House Bill 183 of the 98th
4 General Assembly becomes law, then the Open Meetings Act is
5 amended by changing Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall
9 be open to the public unless excepted in subsection (c) and
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained
12 in subsection (c) are in derogation of the requirement that
13 public bodies meet in the open, and therefore, the exceptions
14 are to be strictly construed, extending only to subjects
15 clearly within their scope. The exceptions authorize but do not
16 require the holding of a closed meeting to discuss a subject
17 included within an enumerated exception.

18 (c) Exceptions. A public body may hold closed meetings to
19 consider the following subjects:

20 (1) The appointment, employment, compensation,
21 discipline, performance, or dismissal of specific
22 employees of the public body or legal counsel for the
23 public body, including hearing testimony on a complaint
24 lodged against an employee of the public body or against

1 legal counsel for the public body to determine its
2 validity.

3 (2) Collective negotiating matters between the public
4 body and its employees or their representatives, or
5 deliberations concerning salary schedules for one or more
6 classes of employees.

7 (3) The selection of a person to fill a public office,
8 as defined in this Act, including a vacancy in a public
9 office, when the public body is given power to appoint
10 under law or ordinance, or the discipline, performance or
11 removal of the occupant of a public office, when the public
12 body is given power to remove the occupant under law or
13 ordinance.

14 (4) Evidence or testimony presented in open hearing, or
15 in closed hearing where specifically authorized by law, to
16 a quasi-adjudicative body, as defined in this Act, provided
17 that the body prepares and makes available for public
18 inspection a written decision setting forth its
19 determinative reasoning.

20 (5) The purchase or lease of real property for the use
21 of the public body, including meetings held for the purpose
22 of discussing whether a particular parcel should be
23 acquired.

24 (6) The setting of a price for sale or lease of
25 property owned by the public body.

26 (7) The sale or purchase of securities, investments, or

1 investment contracts. This exception shall not apply to the
2 investment of assets or income of funds deposited into the
3 Illinois Prepaid Tuition Trust Fund.

4 (8) Security procedures and the use of personnel and
5 equipment to respond to an actual, a threatened, or a
6 reasonably potential danger to the safety of employees,
7 students, staff, the public, or public property.

8 (9) Student disciplinary cases.

9 (10) The placement of individual students in special
10 education programs and other matters relating to
11 individual students.

12 (11) Litigation, when an action against, affecting or
13 on behalf of the particular public body has been filed and
14 is pending before a court or administrative tribunal, or
15 when the public body finds that an action is probable or
16 imminent, in which case the basis for the finding shall be
17 recorded and entered into the minutes of the closed
18 meeting.

19 (12) The establishment of reserves or settlement of
20 claims as provided in the Local Governmental and
21 Governmental Employees Tort Immunity Act, if otherwise the
22 disposition of a claim or potential claim might be
23 prejudiced, or the review or discussion of claims, loss or
24 risk management information, records, data, advice or
25 communications from or with respect to any insurer of the
26 public body or any intergovernmental risk management

1 association or self insurance pool of which the public body
2 is a member.

3 (13) Conciliation of complaints of discrimination in
4 the sale or rental of housing, when closed meetings are
5 authorized by the law or ordinance prescribing fair housing
6 practices and creating a commission or administrative
7 agency for their enforcement.

8 (14) Informant sources, the hiring or assignment of
9 undercover personnel or equipment, or ongoing, prior or
10 future criminal investigations, when discussed by a public
11 body with criminal investigatory responsibilities.

12 (15) Professional ethics or performance when
13 considered by an advisory body appointed to advise a
14 licensing or regulatory agency on matters germane to the
15 advisory body's field of competence.

16 (16) Self evaluation, practices and procedures or
17 professional ethics, when meeting with a representative of
18 a statewide association of which the public body is a
19 member.

20 (17) The recruitment, credentialing, discipline or
21 formal peer review of physicians or other health care
22 professionals for a hospital, or other institution
23 providing medical care, that is operated by the public
24 body.

25 (18) Deliberations for decisions of the Prisoner
26 Review Board.

1 (19) Review or discussion of applications received
2 under the Experimental Organ Transplantation Procedures
3 Act.

4 (20) The classification and discussion of matters
5 classified as confidential or continued confidential by
6 the State Government Suggestion Award Board.

7 (21) Discussion of minutes of meetings lawfully closed
8 under this Act, whether for purposes of approval by the
9 body of the minutes or semi-annual review of the minutes as
10 mandated by Section 2.06.

11 (22) Deliberations for decisions of the State
12 Emergency Medical Services Disciplinary Review Board.

13 (23) The operation by a municipality of a municipal
14 utility or the operation of a municipal power agency or
15 municipal natural gas agency when the discussion involves
16 (i) contracts relating to the purchase, sale, or delivery
17 of electricity or natural gas or (ii) the results or
18 conclusions of load forecast studies.

19 (24) Meetings of a residential health care facility
20 resident sexual assault and death review team or the
21 Executive Council under the Abuse Prevention Review Team
22 Act.

23 (25) Meetings of an independent team of experts under
24 Brian's Law.

25 (26) Meetings of a mortality review team appointed
26 under the Department of Juvenile Justice Mortality Review

1 Team Act.

2 (27) Confidential information, when discussed by one
3 or more members of an elder abuse fatality review team,
4 designated under Section 15 of the Elder Abuse and Neglect
5 Act, while participating in a review conducted by that team
6 of the death of an elderly person in which abuse or neglect
7 is suspected, alleged, or substantiated; provided that
8 before the review team holds a closed meeting, or closes an
9 open meeting, to discuss the confidential information,
10 each participating review team member seeking to disclose
11 the confidential information in the closed meeting or
12 closed portion of the meeting must state on the record
13 during an open meeting or the open portion of a meeting the
14 nature of the information to be disclosed and the legal
15 basis for otherwise holding that information confidential.

16 (28) Correspondence and records (i) that may not be
17 disclosed under Section 11-9 of the Public Aid Code or (ii)
18 that pertain to appeals under Section 11-8 of the Public
19 Aid Code.

20 (29) Meetings between internal or external auditors
21 and governmental audit committees, finance committees, and
22 their equivalents, when the discussion involves internal
23 control weaknesses, identification of potential fraud risk
24 areas, known or suspected frauds, and fraud interviews
25 conducted in accordance with generally accepted auditing
26 standards of the United States of America.

1 (30) Deliberations regarding applicants under the
2 Firearm Concealed Carry Act by the Concealed Carry
3 Licensing Review Board. ~~Meetings and deliberations for~~
4 ~~decisions of the Concealed Carry Licensing Review Board~~
5 ~~under the Firearm Concealed Carry Act.~~

6 (d) Definitions. For purposes of this Section:

7 "Employee" means a person employed by a public body whose
8 relationship with the public body constitutes an
9 employer-employee relationship under the usual common law
10 rules, and who is not an independent contractor.

11 "Public office" means a position created by or under the
12 Constitution or laws of this State, the occupant of which is
13 charged with the exercise of some portion of the sovereign
14 power of this State. The term "public office" shall include
15 members of the public body, but it shall not include
16 organizational positions filled by members thereof, whether
17 established by law or by a public body itself, that exist to
18 assist the body in the conduct of its business.

19 "Quasi-adjudicative body" means an administrative body
20 charged by law or ordinance with the responsibility to conduct
21 hearings, receive evidence or testimony and make
22 determinations based thereon, but does not include local
23 electoral boards when such bodies are considering petition
24 challenges.

25 (e) Final action. No final action may be taken at a closed
26 meeting. Final action shall be preceded by a public recital of

1 the nature of the matter being considered and other information
2 that will inform the public of the business being conducted.

3 (Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10;
4 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff.
5 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876,
6 eff. 8-1-12; 09800HB0183enr.)

7 Section 15. If and only if House Bill 183 of the 98th
8 General Assembly becomes law, then the Liquor Control Act of
9 1934 is amended by changing Section 10-1 as follows:

10 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

11 Sec. 10-1. Violations; penalties. Whereas a substantial
12 threat to the sound and careful control, regulation, and
13 taxation of the manufacture, sale, and distribution of
14 alcoholic liquors exists by virtue of individuals who
15 manufacture, import, distribute, or sell alcoholic liquors
16 within the State without having first obtained a valid license
17 to do so, and whereas such threat is especially serious along
18 the borders of this State, and whereas such threat requires
19 immediate correction by this Act, by active investigation and
20 prosecution by law enforcement officials and prosecutors, and
21 by prompt and strict enforcement through the courts of this
22 State to punish violators and to deter such conduct in the
23 future:

24 (a) Any person who manufactures, imports for distribution

1 or use, or distributes or sells alcoholic liquor at any place
2 within the State without having first obtained a valid license
3 to do so under the provisions of this Act shall be guilty of a
4 business offense and fined not more than \$1,000 for the first
5 such offense and shall be guilty of a Class 4 felony for each
6 subsequent offense.

7 (b) (1) Any retailer, licensed in this State, who knowingly
8 causes to furnish, give, sell, or otherwise being within the
9 State, any alcoholic liquor destined to be used, distributed,
10 consumed or sold in another state, unless such alcoholic liquor
11 was received in this State by a duly licensed distributor, or
12 importing distributors shall have his license suspended for 7
13 days for the first offense and for the second offense, shall
14 have his license revoked by the Commission.

15 (2) In the event the Commission receives a certified copy
16 of a final order from a foreign jurisdiction that an Illinois
17 retail licensee has been found to have violated that foreign
18 jurisdiction's laws, rules, or regulations concerning the
19 importation of alcoholic liquor into that foreign
20 jurisdiction, the violation may be grounds for the Commission
21 to revoke, suspend, or refuse to issue or renew a license, to
22 impose a fine, or to take any additional action provided by
23 this Act with respect to the Illinois retail license or
24 licensee. Any such action on the part of the Commission shall
25 be in accordance with this Act and implementing rules.

26 For the purposes of paragraph (2): (i) "foreign

1 jurisdiction" means a state, territory, or possession of the
2 United States, the District of Columbia, or the Commonwealth of
3 Puerto Rico, and (ii) "final order" means an order or judgment
4 of a court or administrative body that determines the rights of
5 the parties respecting the subject matter of the proceeding,
6 that remains in full force and effect, and from which no appeal
7 can be taken.

8 (c) Any person who shall make any false statement or
9 otherwise violates any of the provisions of this Act in
10 obtaining any license hereunder, or who having obtained a
11 license hereunder shall violate any of the provisions of this
12 Act with respect to the manufacture, possession, distribution
13 or sale of alcoholic liquor, or with respect to the maintenance
14 of the licensed premises, or shall violate any other provision
15 of this Act, shall for a first offense be guilty of a petty
16 offense and fined not more than \$500, and for a second or
17 subsequent offense shall be guilty of a Class B misdemeanor.

18 (c-5) Any owner of an establishment where alcohol may be
19 consumed, other than a private residence or club as defined in
20 Section 1-3.24 of the Liquor Control Act of 1934, ~~that serves~~
21 ~~alcohol on its premises, if more than 50% of the~~
22 ~~establishment's gross receipts within the prior 3 months is~~
23 ~~from the sale of alcohol,~~ who knowingly fails to prohibit
24 concealed firearms on its premises or who knowingly makes a
25 false statement or record to avoid the prohibition of concealed
26 firearms on its premises under the Firearm Concealed Carry Act

1 shall be guilty of a business offense with a fine up to \$5,000.

2 (d) Each day any person engages in business as a
3 manufacturer, foreign importer, importing distributor,
4 distributor or retailer in violation of the provisions of this
5 Act shall constitute a separate offense.

6 (e) Any person, under the age of 21 years who, for the
7 purpose of buying, accepting or receiving alcoholic liquor from
8 a licensee, represents that he is 21 years of age or over shall
9 be guilty of a Class A misdemeanor.

10 (f) In addition to the penalties herein provided, any
11 person licensed as a wine-maker in either class who
12 manufactures more wine than authorized by his license shall be
13 guilty of a business offense and shall be fined \$1 for each
14 gallon so manufactured.

15 (g) A person shall be exempt from prosecution for a
16 violation of this Act if he is a peace officer in the
17 enforcement of the criminal laws and such activity is approved
18 in writing by one of the following:

19 (1) In all counties, the respective State's Attorney;

20 (2) The Director of State Police under Section 2605-10,
21 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,
22 2605-120, 2605-130, 2605-140, 2605-190, 2605-200,
23 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,
24 2605-300, 2605-305, 2605-315, 2605-325, 2605-335,
25 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,
26 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,

1 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the
2 Department of State Police Law (20 ILCS 2605/2605-10,
3 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,
4 2605/2605-110, 2605/2605-115, 2605/2605-120,
5 2605/2605-130, 2605/2605-140, 2605/2605-190,
6 2605/2605-200, 2605/2605-205, 2605/2605-210,
7 2605/2605-215, 2605/2605-250, 2605/2605-275,
8 2605/2605-300, 2605/2605-305, 2605/2605-315,
9 2605/2605-325, 2605/2605-335, 2605/2605-340,
10 2605/2605-350, 2605/2605-355, 2605/2605-360,
11 2605/2605-365, 2605/2605-375, 2605/2605-390,
12 2605/2605-400, 2605/2605-405, 2605/2605-420,
13 2605/2605-430, 2605/2605-435, 2605/2605-500,
14 2605/2605-525, or 2605/2605-550); or

15 (3) In cities over 1,000,000, the Superintendent of
16 Police.

17 (Source: P.A. 90-739, eff. 8-13-98; 91-239, eff. 1-1-00;
18 09800HB0183enr.)

19 Section 20. If and only if House Bill 183 of the 98th
20 General Assembly becomes law, then the Firearm Owners
21 Identification Card Act is amended by changing Sections 8.1 and
22 13.1 as follows:

23 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)
24 Sec. 8.1. Notifications to the Department of State Police.

1 (a) The Circuit Clerk shall, in the form and manner
2 required by the Supreme Court, notify the Department of State
3 Police of all final dispositions of cases for which the
4 Department has received information reported to it under
5 Sections 2.1 and 2.2 of the Criminal Identification Act.

6 (b) Upon adjudication of any individual as a mentally
7 disabled person as defined in Section 1.1 of this Act or a
8 finding that a person has been involuntarily admitted, the
9 court shall direct the circuit court clerk to immediately
10 notify the Department of State Police, Firearm Owner's
11 Identification (FOID) department, and shall forward a copy of
12 the court order to the Department.

13 (c) The Department of Human Services shall, in the form and
14 manner prescribed by the Department of State Police, report all
15 information collected under subsection (b) of Section 12 of the
16 Mental Health and Developmental Disabilities Confidentiality
17 Act for the purpose of determining whether a person who may be
18 or may have been a patient in a mental health facility is
19 disqualified under State or federal law from receiving or
20 retaining a Firearm Owner's Identification Card, or purchasing
21 a weapon.

22 (d) If a person is determined to pose a clear and present
23 danger to himself, herself, or to others

24 (1) by a physician, clinical psychologist, qualified
25 examiner, or is determined to be developmentally disabled
26 by a physician, clinical psychologist, or qualified

1 examiner, whether employed by the State or privately, then
2 the physician, clinical psychologist, or qualified
3 examiner shall, within 24 hours of making the
4 determination, notify the Department of Human Services
5 that the person poses a clear and present danger or is
6 developmentally disabled; or

7 (2) by a law enforcement official, or school
8 administrator, then the law enforcement official or school
9 administrator ~~or is determined to be developmentally~~
10 ~~disabled by a physician, clinical psychologist, or~~
11 ~~qualified examiner, whether employed by the State or by a~~
12 ~~private mental health facility, then the physician,~~
13 ~~clinical psychologist, or qualified examiner shall, within~~
14 24 hours of making the determination, notify the Department
15 of State Police ~~Human Services~~ that the person poses a
16 clear and present danger.

17 The Department of Human Services shall immediately update
18 its records and information relating to mental health and
19 developmental disabilities, and if appropriate, shall notify
20 the Department of State Police in a form and manner prescribed
21 by the Department of State Police. The Department of State
22 Police shall determine whether to revoke the person's Firearm
23 Owner's Identification Card under Section 8 of this Act. Any
24 information disclosed under this subsection shall remain
25 privileged and confidential, and shall not be redisclosed,
26 except as required under subsection (e) of Section 3.1 of this

1 Act, nor used for any other purpose. The method of providing
2 this information shall guarantee that the information is not
3 released beyond what is necessary for the purpose of this
4 Section and shall be provided by rule by the Department of
5 Human Services. The identity of the person reporting under this
6 Section shall not be disclosed to the subject of the report.
7 The physician, clinical psychologist, qualified examiner, law
8 enforcement official, or school administrator making the
9 determination and his or her employer shall not be held
10 criminally, civilly, or professionally liable for making or not
11 making the notification required under this subsection, except
12 for willful or wanton misconduct.

13 (e) The Department of State Police shall adopt rules to
14 implement this Section.

15 (Source: P.A. 97-1131, eff. 1-1-13; 09800HB0183enr.)

16 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

17 Sec. 13.1. Preemption.

18 (a) Except as otherwise provided in the Firearm Concealed
19 Carry Act and subsection ~~subsections~~ (b) ~~and (c)~~ of this
20 Section, the provisions of any ordinance enacted by any
21 municipality which requires registration or imposes greater
22 restrictions or limitations on the acquisition, possession and
23 transfer of firearms than are imposed by this Act, are not
24 invalidated or affected by this Act.

25 (b) Notwithstanding subsection (a) of this Section, the

1 regulation, licensing, possession, and registration of
2 handguns and ammunition for a handgun, and the transportation
3 of any firearm and ammunition by a holder of a valid Firearm
4 Owner's Identification Card issued by the Department of State
5 Police under this Act are exclusive powers and functions of
6 this State. Any ordinance or regulation, or portion of that
7 ordinance or regulation, enacted on or before the effective
8 date of this amendatory Act of the 98th General Assembly that
9 purports to impose regulations or restrictions on a holder of a
10 valid Firearm Owner's Identification Card issued by the
11 Department of State Police under this Act in a manner that is
12 inconsistent with this Act, on the effective date of this
13 amendatory Act of the 98th General Assembly, shall be invalid
14 in its application to a holder of a valid Firearm Owner's
15 Identification Card issued by the Department of State Police
16 under this Act.

17 ~~(c) Notwithstanding subsection (a) of this Section, the~~
18 ~~regulation of the possession or ownership of assault weapons~~
19 ~~are exclusive powers and functions of this State. Any ordinance~~
20 ~~or regulation, or portion of that ordinance or regulation, that~~
21 ~~purports to regulate the possession or ownership of assault~~
22 ~~weapons in a manner that is inconsistent with this Act, shall~~
23 ~~be invalid unless the ordinance or regulation is enacted on,~~
24 ~~before, or within 10 days after the effective date of this~~
25 ~~amendatory Act of the 98th General Assembly. Any ordinance or~~
26 ~~regulation described in this subsection (c) enacted more than~~

1 ~~10 days after the effective date of this amendatory Act of the~~
2 ~~98th General Assembly is invalid. An ordinance enacted on,~~
3 ~~before, or within 10 days after the effective date of this~~
4 ~~amendatory Act of the 98th General Assembly may be amended. The~~
5 ~~enactment or amendment of ordinances under this subsection (c)~~
6 ~~are subject to the submission requirements of Section 13.3. For~~
7 ~~the purposes of this subsection, "assault weapons" means~~
8 ~~firearms designated by either make or model or by a test or~~
9 ~~list of cosmetic features that cumulatively would place the~~
10 ~~firearm into a definition of "assault weapon" under the~~
11 ~~ordinance.~~

12 (c) ~~(d)~~ For the purposes of this Section, "handgun" has the
13 meaning ascribed to it in Section 5 of the Firearm Concealed
14 Carry Act.

15 (d) ~~(e)~~ This Section is a denial and limitation of home
16 rule powers and functions under subsection (h) of Section 6 of
17 Article VII of the Illinois Constitution.

18 (Source: P.A. 76-1939; 09800HB0183enr.)".